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all nations from this time forth. *Love* and not *Hate* shall rule at last in the human world, because Love is the central idea of God. Heartily yours,

HODGSON PRATT.

### THE AMERICAN PEACE SOCIETY AND THE ARBITRATION TREATY.

At the regular meeting on January 25th, the Directors of the AMERICAN PEACE SOCIETY prepared the following address and petition, and ordered copies sent to the President, the Secretary of State, and the Senate:

*To Grover Cleveland, President of the United States;  
The Honorable Richard Olney, Secretary of State,  
and to the Honorable Senators of the United States:*

The American Peace Society acting by its Board of Directors is moved to say:

We rejoice, we believe the whole civilized world rejoices, that Arbitration is triumphing over war.

We rejoice in the honorable share of our beloved country in this grand consummation.

We rejoice that English-speaking people have the proud privilege of being pioneers in this great achievement.

We rejoice in the firm faith that this illustrious example will be followed by other countries till in less time than would now be foretold, the world shall feel the sweet but potent influence of just and honorable Arbitration.

We do not begrudge "concessions made by each party" in the "patient deliberation" which has produced this Treaty.

We do not complain of the Treaty that its machinery is intricate or its term brief. Experience will simplify the procedure and the term which now begins will have no end. America and England are bound into perpetual amity by the indissoluble bonds of justice.

The glory of this great international Act between the two most powerful nations of the world is not merely that they are to keep peace with each other, but even more, that they solemnly declare that hereafter between them all that either party asks, or will accept, is justice.

The judicial integrity of our English-speaking race is a pledge of impartial justice, so that disputes need no longer be settled by war but will yield to discussions of intellectual champions and decisions by tribunals of eminent and honored jurists.

We believe that this Treaty and its essential principle mark "a new epoch in civilization," a worthy culmination of the Century.

"Peace between the nations of the world is the essential foundation of international brotherhood and human progress"; peace, not so much as a probable outcome of discord, but assured peace:—peace protected by solemn Treaties of Arbitration, peace founded on the rock of justice.

If these words ring with excess of joy, the American Peace Society which has been working in the cause of Peace for three quarters of a century cannot now refrain from expressing its exultation.

We congratulate America and Great Britain and indeed the whole civilized world on the signing of this Treaty, auspicious harbinger of peace, wrought out under the constraint of Christian conscience. We congratulate

also the distinguished statesmen and diplomatists of both lands whose sagacity has enabled them to achieve this great result.

We earnestly petition the Honorable Senate of the United States, after giving thorough consideration to the provisions of the Treaty, not to allow minor considerations to outweigh the supreme importance of accepting the result of mutual concession and to ratify the Treaty at an early day.

By order of the Board of Directors of the American Peace Society, Boston, January twenty-fifth, eighteen hundred ninety-seven.

ROBERT TREAT PAINE, President.

BENJAMIN F. TRUEBLOOD, Secretary.

### SYMPOSIUM ON THE TREATY.

#### AN EXCELLENT SCHEME TO START WITH.

BY HON. JOHN H. STINESS, LL. D., OF THE SUPREME COURT OF RHODE ISLAND.

It is not to be expected that the first plan of a system for permanent arbitration will be satisfactory to all. To the conservative it will seem to be yielding too much of national independence, in cases which may occur; while to the sanguine it will fall far short of an ideal and full agreement that there shall be no war in any case. It is a step in a new path; because an agreement for permanent arbitration is a very different thing from an agreement to arbitrate a particular case. It is hard to draft a contract in business affairs which will cover all questions which may arise, or to assure the adequacy of any plan to conditions which cannot be foreseen. This is still more a difficulty in so large an undertaking as a treaty of international arbitration. Caution is therefore neither to be wondered at nor deplored. Details will grow. Methods will prove themselves. Time and trial will instruct. The important thing is that two great nations have agreed to adopt the principle as their rule of action. Indeed the *projet* speaks not only of adopting, but of "consecrating the principle by treaty." The first step is necessarily tentative. It relies upon trial for proof of its practicability. And so the treaty provides for a test of five years, with a year more for notice of abrogation. The time is brief enough, truly, but who can doubt a renewal, in the same or some improved form, at the end of the term. When once the two countries have solemnly agreed upon the principle to be followed, who can believe that they will abandon it without a full trial, or for any cause which reason and honesty can control? That a trial of the principle, as a permanent rule, will prove its practicability is shown by the many special cases of arbitration, which have already been had within the past century. They have been varied as well as numerous; they have involved questions of territory and honor; they have arisen and have been settled in times of irritated feelings. Still there has been no friction; no disavowal of a judgment and nothing to show that the remedy adopted has not been adequate to the occasion. The repetition of such cases, in due course of a permanent scheme, can bring no different result. We need not fear the shortness of the time now fixed. Right and reason, peace and law are their own best advocates and, once acknowledged, they will not give way to baser motives.

No doubt some will be disappointed because a permanent court is not set up by the treaty.

The constitution of such a court must be a development. Careful study is needed to outline its make-up, its methods of procedure, its jurisdiction and the law by which it is to be governed. Courts are the administrators of law, not of their own wills. Arbitrators, to some extent, make their own law and, so long as they act fairly, their judgments stand. An international court, therefore, presupposes an international law. Although many principles of international law are received by common consent, there are many others in regard to which there is no such consent. Upon these last points questions would most naturally arise. By what law, then, should they be judged? Shall it be the law as claimed by one country or the other? It may be said: "Let the court settle the law, and that will end the matter." Simple as such a short cut method may seem, it involves serious consequences, which need to be weighed before committing either country to a system of law which may be contrary to all its traditions and practice. We do not trust our own courts to make law in this way. They are supposed to administer the common law, which has been accepted by common consent, or statute law, which prescribes the rule by which the court shall be governed. That permanent arbitration is the beginning, from which will come a permanent law and a permanent tribunal, is too plain to doubt; but, to this end, there must be experience, agreement and growth. We may now rejoice: "For unto us a child is born"; still we may also wait with patience for it to increase "in wisdom and stature and in favor with God and man." The parallel is not irreverent, for the message of "Peace on Earth" is the message and spirit of our Lord himself. Let us bear in mind that the child will become strong in power and judgment when childhood has passed away and manhood is attained.

Another reason against setting up a permanent court at present, is the fact that such a court may have little or nothing to do in the next six years; and even under a permanent treaty it may still be seldom called upon for judgment. Happy as the fact would be, if there should be few or no differences, yet it would be awkward to have a high court with nothing to do. A sinecure does not beget respect. The provisions of the treaty are both simple and ample to meet an emergency and are more comprehensive than we had reason to hope. For claims up to £100,000, each nation selects a jurist and the two choose an umpire. Claims over that sum go first to the court of three, with a right of review, if they are not unanimous in an award, before a court of five jurists, two to be chosen by each nation, with an umpire as before, where the award of a majority is to be final. Territorial claims go to a court of six judges, three from the courts of each country; a decision of five to one to be binding. In case the judgment of a smaller number shall not be accepted, there shall be no recourse to hostile measures, until the mediation of a friendly power shall have been invited.

The umpire, provided for the first two courts, is to be appointed by the King of Sweden in case of a failure to agree upon one as specified in the treaty.

All this is simple and practicable. These are ample safeguards for important questions. It is doubtful if a better scheme can be devised to start with. It covers almost all the questions which are likely to arise. At any

rate it is all that could be expected for a beginning. Great credit is due to the negotiators for the Christian spirit, the broad statesmanship and the wise judgment which has produced it. In drafting this treaty Lord Salisbury and Mr. Olney have written their names on the roll of the immortals.

The administration of President Cleveland will be most memorable for this act.

It will be a great calamity, if by reason of petty partizanship or ambitious Jingoism, our senators shall fail to give it a cordial response. It is hard to think that such a thing is possible.

### SHOULD BE RATIFIED, BUT FIRST THOROUGHLY EXAMINED BY THE SENATE.

BY CEPHAS BRAINERD, ESQ., OF THE NEW YORK BAR.

Whether the Senate of the United States ratifies, amends or rejects the Arbitration Treaty signed on the 11th of January 1897, the act of signing it by the authorized representatives of two great governments, will, at any rate, mark an epoch in the history of international relations and confer lasting fame upon two men, viz. Richard Olney and Sir Julian Pauncefote. This treaty, ratified or otherwise, will ever be one of the greatest papers in human annals. But great as it is, and important as are its objects, it ought not to be ratified by the Senate without a most careful consideration.

The Senate ought not to yield, in my judgment, in the slightest degree, to the pressure which is exerted to secure an immediate ratification. I have no part in the belief that there will be serious factious opposition to the treaty; on the contrary, I believe that Senators will bring to the consideration of this great document, the results of patient study and candid reflection. Whatever the vote may be, either for ratification or otherwise, it will be a conscientious vote, given too, in view of the prevailing sentiment here, and among all civilized people, that permanent arbitration should be substituted for resort to arms in every possible case. It may very well be however, that students of international relations in the Senate, familiar also with our own special interests, will suggest modifications either by way of limitation or extension, or in the detail of method, which will be eminently valuable and entirely acceptable.

The rejection of the treaty by the Senate would be vastly unfortunate; but a ratification of it with features so objectionable, (if they exist), as practically to nullify the instrument itself, or render proceedings under it unsatisfactory, would be far more disastrous to the cause of arbitration, than a rejection of the treaty. I say, therefore, let the treaty receive the fullest consideration, and let it be subjected to all reasonable and just criticism. "Advice and consent of the Senate" as used in the Constitution in respect of treaties, means something. Indeed the ratification of a treaty by the Senate without thought and inquiry, would be contrary to the spirit of our fundamental law, as is obvious from the very text of that instrument which requires a concurrence of two-thirds of the Senators present. This is made more apparent by No. 64 of the Federalist, written by Mr. Hamilton, where, in dealing with this particular subject, he uses the words, "information, integrity and deliberate investigation." So that, in regard to the present very grave situation, the